

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION

REGINALD BOWERS,)
Petitioner,)
v.) CIVIL ACTION NO. 5:11:cv-530-IPJ-PWG
ATTORNEY GENERAL FOR THE)
STATE OF ALABAMA,)
Respondents.)

MEMORANDUM OF OPINION

The magistrate judge filed a report and recommendation on April 1, 2011, recommending that the State's Answer (Doc. 4), treated as a motion for summary disposition (Doc. 6), be GRANTED, that Bowers's motion for a dismissal without prejudice or for a stay (Doc. 7) be DENIED and this action be DISMISSED WITH PREJUDICE. On April 6, 2011, the *pro se* petitioner filed a "Motion to Withdraw, Motion to Dismiss, and in the Alternative Motion to Subpoena Circuit Court Record." (Doc. 9). The court will treat such filing as a motion, or, in the alternative, as objections to the magistrate judge's report and recommendation.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the findings and recommendation and the objections filed by the petitioner, the Court is of the opinion that the magistrate judge's findings are due to be and are hereby ADOPTED and his recommendation is ACCEPTED. To the extent that the petitioner's filing of April 6, 2010 (Doc. 9) is construed as interposing objections to the report and recommendation, such objections are due to be OVERRULED. To the extent that the petitioner's filing (Doc. 9) is construed as a motion, it is due to be DENIED. As

a result, the petition for writ of habeas corpus is due to be DISMISSED WITH PREJUDICE. A Final Judgment will be entered.

As to the foregoing it is SO ORDERED this the 19th day of April 2011.



INGE PRYTZ JOHNSON
U.S. DISTRICT JUDGE